

MICHAEL E. DERGOSITS (State Bar No. 118206)
TEDDY K. JOE (State Bar No. 242589)
DERGOSITS & NOAH, L.L.P.
Three Embarcadero Center, Suite 410
San Francisco, CA 94111
Telephone: (415) 705-6377
Facsimile: (415) 705-6383
Email: mdergosits@dergnoah.com
Email: tjoe@dergnoah.com

Edward W. Goldstein (*To Be Admitted Pro Hac Vice*)
Corby R. Vowell (*To Be Admitted Pro Hac Vice*)
GOLDSTEIN, FAUCETT & PREBEG, LLP
1177 West Loop South, Suite 400
Houston, TX 77027
Telephone: (713) 877-1515
Facsimile: (713) 877-1737
Email: egoldstein@gfpiplaw.com
Email: cvowell@gfpiplaw.com

Attorneys for TEXTSCAPE LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

TEXTSCAPE LLC, a New Jersey Corporation) Case No.: C-09-04550 BZ
)
Plaintiff) MOTION FOR ENLARGEMENT OF
v.) TIME PURSUANT TO CIVIL LOCAL
) RULES 6-3 AND 16-2(D) BY
ADOBE SYSTEMS INCORPORATED) PLANTIFF TEXTSCAPE LLC AND
a California Corporation) DECLARATION OF MICHAEL E.
) DERGOSITS IN SUPPORT
)
Defendant)
)

MOTION FOR ENLARGEMENT OF TIME

In accordance with the September 25, 2009 Order Setting Initial Case Management Conference and ADR Deadlines, the last day to meet and confer, and to file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference was December 14, 2009. The deadline to file a Rule 26(f) Report, to complete initial disclosures, and to file a Case Management Statement is December 28, 2009. The Initial Case Management Conference is currently scheduled for January 4, 2010 at 4:00 p.m.

1 In accordance with Civil Local Rules 6-3 and 16-2(d), Textscape LLC (“Plaintiff”)
2 hereby moves to extend these deadlines as follows:

3 Deadline to meet and confer re: initial disclosures, early	January 11, 2010
4 settlement, ADR process selection, and discovery plan	
5 Deadline to file either a Stipulation to ADR Process or Notice of	January 11, 2010
6 Need for ADR Phone Conference	
7 Deadline to file Rule 26(f) Report, complete initial disclosures or	January 25, 2010
8 state objection in Rule 26(f) Report and file Case Management	
9 Statement	
10 Initial Case Management Conference (CMC)	February 1, 2010
	4:00 p.m.
	Courtroom G, 15 th Floor

11
12 **DECLARATION OF MICHAEL E. DERGOSITS IN SUPPORT**

13 I, Michael E. Dergosits, declare under penalty of perjury that the following is true and correct:

14 1. I am a partner in the law firm of Dergosits & Noah LLP, appearing for Textscape LLC
15 (“Plaintiff”).

16 2. On September 25, 2009, Plaintiff filed its Complaint in the above-captioned matter.

17 3. On September 25, 2009, this Court issued its Order Setting Initial Case Management
18 Conference [Docket Index (“D.I.”) No. 3]. In the September 25, 2009 Order, the Court set the
19 deadline to meet and confer, and to file either a Stipulation to ADR Process or Notice of Need
20 for ADR Phone Conference as December 14, 2009. The Court also set December 28, 2009 as
21 the deadline to file a Rule 26(f) Report, to complete initial disclosures, and to file a Case
22 Management Statement. The Court scheduled the Initial Case Management Conference for
23 January 4, 2010.

24 4. Defendant Adobe Systems Inc. (“Defendant”) was just served with the Summons and
25 Complaint on December 14, 2009, so no counsel has yet appeared for Defendant in this action.

26 5. Since Defendant was only served with the Summons and Complaint on December 14,
27 2009 and Defendant’s counsel has not made an appearance, both counsel for both Plaintiff and
28 Defendant will require additional time to discuss (i) the issues raised by Rule 26, (ii) whether

1 ADR procedures are to be pursued, and (iii) preparation of the required Joint Case Management
2 Statement.

3 6. This is the first modification of time requested in this case.

4 7. The Court's granting of this Motion would not affect any other deadlines in this case.

5
6 **CONCLUSION**

7 Plaintiff respectfully requests that this Motion to Enlarge Time be granted and the
8 currently-pending deadlines reset in accordance with this Motion.

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10 Dated: December 15, 2009

DERGOSITS & NOAH LLP

11
12 By: _____/s/

13 Michael E. Dergosits
14 Attorneys for Plaintiff
15 TEXTSCAPE LLC
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